

COCHISE COUNTY

**Amendment to the
Cochise County Zoning Regulations
Permit Timeframes (R-20-04)**

Planning and Zoning Commission

July 8, 2020

Cochise County
Development Services



Public Programs...Personal Service

COCHISE COUNTY

How we Regulate/Permit Development

Cochise County Zoning Regulations - regulate how **land** can be used and how a development impacts surroundings. It limits, where, how much (density/intensity) and type of development.

- Use permits (special use, temporary use, ALQ, minor land division)

International Building Code - regulates **structures** and their construction. Reference code, updated every 3 years. Cochise County uses 2012 edition.

- Building permits (electrical, plumbing, swimming pool...)



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Issue 1

Conflicting statements in the Building Code and Zoning Regulations and within the Zoning Regulations regarding Building/Use Permit Time Limits

- Zoning Regulations (Section 1709.02): **building/use permit** valid 24-months. 12-month renewal allowed. (Section 1709.03) Owner-Builder permit valid for a maximum of 36-months. 12-month renewal allowed.
- 2012 Building Code: Building permit valid 180 days (6-months) from issuance or last inspection. One or more 90-day extensions are allowed.



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What's the problem?

Longer Building Permit Timeframes....

- Can lead to/are associated with higher rates of job abandonment
- More difficult for staff to track/enforce
- Site conditions and even regulations can change

Also, the term “substantial progress” regarding extensions is a vague term and can lead to inconsistency of application by staff

In addition, the 180-day timeframe common among Arizona counties



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Recommendations

- Building and use permits timeframe validity should be separated. We currently provide specific timeframes for use permits within their corresponding sections of the Zoning Regulations. These timeframes vary by use and, in some cases, can be modified by the Planning and Zoning Commission.
- Modify zoning regulations regarding building permit timeframes to be consistent with the 2012 Building Code requirements.
- The Owner-Builder option is a building code amendment and should have an identical building permit timeframe (consistency/equity).



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Recommendations

- **Modify zoning regulations as follows:**

~~1709.02 Any building/use permit issued shall be valid without renewal, for a period of 24 months; however, the County Zoning Inspector may, upon written request of the permittee prior to the expiration of the permit, extend the time limit for the permit once for an additional 12 months provided substantial progress has been made. (Note: On-site septic/sewage treatment disposal systems permits are only valid for 2-years and cannot be extended per the Arizona Administrative Code.) The request for the extension must be in writing and include the parcel number, reason for the request, construction completion schedule, and applicable extension fees. Further extensions shall be granted in accordance with the adopted Building Code. Any work done after that time will require a new permit with all associated fees and requirements.~~ **shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the zoning official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. Justifiable cause must be demonstrated in writing. (Note: On-site septic/sewage treatment disposal systems permits are only valid for 2-years and cannot be extended per the Arizona Administrative Code.)**

~~1709.03 Any building permit issued under the Owner-Builder Rural Residential amendment shall be valid, without renewal, for a maximum period of 36 months; however, the County Zoning Inspector may, upon written request of the permittee, extend the time limit for the permit once for an additional 12 months provided substantial progress has been made.~~



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Issue 2

Combined Permit Fees (1714.02)

- Applications qualifying for Rural Residential Owner-Builder Amendment shall **not** be subject to separate fees under the Building Safety Code, no separate fee shall be charged for accessory structures, walls and fences, or swimming pools if they are contained on and are a part of an application for a building/ use permit for a principal structure/use.



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What's the problem?

- Equity - We require all other homebuilders to obtain separate permits.
- Compatibility - How and where you construct accessory structures can have significant impacts on neighboring properties. (height, placement on site)
- Safety Concerns – particularly regarding swimming pools
- Policy overreach - Not a part of the original resolution for the Owner-Builder amendment established by the Board of Supervisors.



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Recommendations

- **Modify zoning regulations as follows:**

~~1714.02 Combined Permit Fees~~

~~Applications qualifying for Rural Residential Owner-Builder Amendment shall not be subject to separate fees under the Building Safety Code, no separate fee shall be charged for accessory structures, walls and fences, or swimming pools if they are contained on and are a part of an application for a building/ use permit for a principal structure/use.~~



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Issue 3

Particular Temporary Uses Permitted (1720.03A)

Temporary buildings, manufactured homes, and recreational vehicles are allowed onsite during construction, subject to the following:

- Permitted in all Zoning Districts.
- Valid up to one year, may be renewed in one year increments, indefinitely
- Unless the use permit is renewed, the use must be removed within 10-calendar days upon expiration of the permit OR completion of construction (whichever is first)



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What's the problem?

- Consistency - A temporary use that is only permitted in conjunction with construction work should have identical permit timeframes (180 days)
- Consistency and Enforcement- Extensions/renewals should be in writing, for a more limited and specified period (90 days) and justifiable cause should be demonstrated, similar to what is required for building permits.
- Enforcement – “only during the period of construction” too vague/open to interpretation.



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Recommendations

Particular Temporary Uses Permitted (1720.03A)

Contractor's Office, Security Dwelling, or Other Temporary Dwelling During Construction of a Building.

Temporary buildings, manufactured homes, and recreational vehicles used in conjunction with construction work only during the period of such construction, subject to the following:

1. Permitted in all Zoning Districts.
2. Any use permit approved for such temporary building, manufactured home or recreational vehicle shall be limited to a period of time ~~not to exceed 1 year from the date of such approval; said permit may be renewed for like periods thereafter as approved by the County Zoning Inspector upon receipt of satisfactory evidence indicating that the need for such temporary use continues to exist.~~ in which there is evidence of construction work, in the form of an active building permit on the parcel where the temporary use is granted. The zoning official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. Justifiable cause must be demonstrated in writing.
3. Unless the use permit is renewed, such temporary building, manufactured home, or recreational vehicle shall be removed from the property upon the expiration of the previously approved use permit or within 10-calendar days after completion of the construction work, whichever occurs first.



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Details of Proposed Changes

See Exhibit A for strike-through (deletion) and underline (addition)

Zoning Regulations

- Section 1709.02
- Section 1709.03
- Section 1714.02
- Section 1720.03A

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Request and Sample Motion

Staff is requesting that the Commission forward Docket R-20-04 to the Board of Supervisors with a recommendation of approval.

Sample Motion: Mr. Chairman, I move to forward Docket R-20-04 with a recommendation of approval to the Board of Supervisors.

